

REMARKS

The Office Action dated April 30, 2009, has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

By this Response, claims 1-2, 5-6, 12, 16-19, 21-23, 26-29, 38-39, 45-47, and 64 have been amended to more particularly point and distinctly claim the subject matter of the present invention. No new matter has been added. Support for the amendments to independent claims 1, 22, 38, and 64 may be found in the specification, for example, at paragraph 7. Claims 48, 50-58, and 65-67 have been cancelled without prejudice or disclaimer. Accordingly, claims 1-9, 12-29, 31-47, and 64 are pending in the application, of which claims 1, 22, 38, 47, and 64 are independent claims. Applicants respectfully submit claims 1-9, 12-29, 31-47, and 64 for consideration.

In view of the above amendments and the following remarks, Applicants respectfully request reconsideration and timely withdrawal of the pending rejections to the claims for the reasons discussed below.

Claim Objection

Claim 12 was objected to because of alleged informalities. Specifically, the Office Action asserted that claim 12 is dependent on claim 11, which is a cancelled claim. Applicants have amended claim 12 to depend on claim 1. Accordingly, Applicants

respectfully submit that this objection is moot in view of the claim amendments, and respectfully requests that this objection be withdrawn.

Reconsideration and allowance of claim 12 are, thus, respectfully requested.

Claim Rejection - 35 U.S.C. 112

Claim 26 was rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Office Action appeared to assert that the feature “ ... are provided in the a, at least one of ...” is indefinite. Applicants have amended claim 26 to recite “... are provided in the terminal, at least one” Accordingly, Applicants respectfully submit that this rejection is moot in view of the claim amendments, and respectfully request that this rejection be withdrawn.

Reconsideration and allowance of claim 26 are, thus, respectfully requested.

Claim Rejection - 35 U.S.C. 102

Claims 1-9, 12-29, 31-48, 50-58, and 64-67 were rejected under 35 U.S.C. 102(e) as allegedly being anticipated by U.S. Patent Appln. Pub. No. 2003/0063590 of Mohan et al. (“Mohan”). Applicants respectfully submit that each of claims 1-9, 12-29, 31-47, and 64 recites subject matter that is neither disclosed nor suggested in Mohan. Claims 48, 50-58, and 65-67 have been cancelled without prejudice or disclaimer. Accordingly,

Applicants respectfully submit that the rejection of these claims is moot in view of the claim cancellations, and respectfully requests that this rejection be withdrawn.

Independent claim 1, upon which claims 2-9 and 12-21 depend, is directed to a method including receiving in a response server a media message from a terminal, the media message comprising response content and application specific content. The method also includes using the application specific content to program a call response of the response server. The method further includes playing and/or transmitting the call response to another terminal, when a call or a session request of the another terminal directed to a user of the terminal is received by the response server.

Independent claim 22, upon which claims 23-29 and 31-37 depend, is directed to an apparatus including a receiver configured to receive from a terminal a media message which includes response content and application specific content. The apparatus also includes a processor configured to store the response content, and to use the application specific content to program a call response of the apparatus. The apparatus is configured to play and/or transmit the call response to another terminal, when a call or a session request of the another terminal directed to a user of the terminal is received by the apparatus.

Independent claim 38, upon which claims 39-46 depend, is directed to an apparatus including a receiver configured to receive, from a terminal, a media message which includes response content and application specific content. The apparatus also includes a processor configured to process the media message to derive the response

content, to store the derived response content of the media message, to process the application specific content, to program a call response of the apparatus, and to play and/or transmit the call response to another terminal, when a call or a session request of the another terminal is directed to a user of the terminal is received by the apparatus.

Independent claim 47 is directed to an apparatus including a transceiver. The apparatus also includes a processor configured to prepare a programming media message to program an automatic call response server, the programming media message including response content to be transmitted to an automatic call response server. The processor includes an application in the apparatus to create media messages, the application configured to handle messaging with the call response server. The application is configured to store information on at least one of a status of the automatic call response service and a history of the automatic call response service.

Independent claim 64 is directed to a computer-readable storage medium encoded with instructions configured to control a computer to perform a process including receiving, from a terminal in a response server a media message, the media message comprising response content and application specific content. The process also includes using the application specific content to program a call response of the response server. The process further includes playing and/or transmitting the call response to another terminal, when a call or a session request of the another terminal directed to a user of the terminal is received by the response server.

Applicants respectfully submit that Mohan fails to disclose or suggest all of the features of any of presently pending claims.

Mohan describes methods and systems for managing a call based on multimedia data. A method includes receiving first data related to a call sent by a calling party to a called party. In response to the first data, the method obtains from a database second data related to the call. At least one of the first data, the second data, and a combination of the first and second data includes multimedia data. The method manages the call based at least in part on the multimedia data (*see* Mohan at Abstract).

However, Mohan fails to disclose or suggest, at least, “playing and/or transmitting the call response to another terminal, when a call or a session request of the another terminal directed to a user of the terminal is received by the response server,” as recited in independent claim 1 and similarly recited in independent claims 22, 38, and 64. As shown in Figure 6, Mohan describes a multimedia personal call management (MPCM) server that sends (4) a menu of options to a calling party, which selects (5) to record a voice clip from the menu (*see* Mohan at paragraphs 24 and 75-76). The MPCM server obtains (6) the voice clip from the calling party, and later sends the recorded voice clip (7D) and another menu of options (8) to a called party (*see* Mohan at paragraphs 76-77). The Office Action asserted that the recorded voice clip and the another menu of Mohan correspond to the call response of the claimed invention (*see* Office Action at page 3, first paragraph). The Office Action further alleged that the calling party of Mohan corresponds to the terminal of the claimed invention (*see id.*).

Contrary to the assertions of the Office Action, the recorded voice clip and the calling party of Mohan cannot correspond to the call response and the terminal of the claimed invention, respectively, since Mohan fails to disclose or suggest playing and/or transmitting a call response to another terminal, when a call or a session request of the another terminal directed to a user of a terminal is received by a response server. Accordingly, Mohan does not disclose or suggest, at least, “playing and/or transmitting the call response to another terminal, when a call or a session request of the another terminal directed to a user of the terminal is received by the response server,” as recited in independent claim 1 and similarly recited in independent claims 22, 38, and 64. Specifically, the calling party of Mohan cannot correspond to the terminal of the claimed invention because “a call ... of the another terminal [is] is directed to a user of the terminal,” as recited in claim 1. In other words, the calling party of Mohan cannot correspond to the terminal of the claimed invention since the terminal is a called party, and the another terminal of the claimed invention is a calling party. Also, while the recorded voice clip of Mohan is from the calling party (*see* Mohan at Figure 6, steps 6 and 7A), the call response of the claimed invention is programmed based on content from the terminal, or a called party, as claimed (*see, e.g.,* claim 1, first and second steps). Lastly, Mohan describes sending the recorded voice clip to the called party (*see* Mohan at Figure 6, step 7D), and fails to disclose or suggest “playing and/or transmitting the call response to [a calling party],” as recited in claim 1. To sum, Mohan refers to a calling party recording a video clip to be sent to a called party, while the claimed invention refers

to a called party programming a call response to be played or transmitted to a calling party.

Furthermore, Mohan fails to disclose or suggest, “wherein the application is configured to store information on at least one of a status of the automatic call response service and a history of the automatic call response service,” as recited in claim 47. The Office Action asserted that these features are disclosed in Mohan at paragraph 82 (*see* Office Action at page 10, last paragraph). In the cited portion, and as shown in Figure 8, Mohan describes a MPCM service that retrieves (6) a video clip, *e.g.*, a previously-stored video clip.

However, Mohan fails to disclose or suggest storing information on at least one of a status of an automatic call response service and a history of the automatic call response service. Accordingly, Mohan does not disclose or suggest, at least, “wherein the application is configured to store information on at least one of a status of the automatic call response service and a history of the automatic call response service,” as recited in claim 47. In contrast, Mohan describes storing only a video clip (*see* Mohan at paragraph 82). Mohan fails to disclose or suggest that the video clip corresponds to information on a status or a history of the MPCM service. For example, the video clip may have been predetermined in the MPCM service prior to the start of the MPCM service, and thus, cannot indicate a status or a history of the MPCM service.

For at least the reasons discussed above, Applicants respectfully submit that Mohan fails to disclose or suggest all of the features of independent claims 1, 22, 38, 47,

and 64. Accordingly, Applicants respectfully request that the rejection of independent claims 1, 22, 38, 47, and 64 be withdrawn.

Claims 2-9, 12-21, 23-29, 31-37, and 39-46 depend from, and further limit, independent claims 1, 22, and 38. Thus, each of claims 2-9, 12-21, 23-29, 31-37, and 39-46 recites subject matter that is neither disclosed nor suggested in Mohan. Accordingly, Applicants respectfully request that the rejection of claims 2-9, 12-21, 23-29, 31-37, and 39-46 be withdrawn.

Reconsideration and allowance of claims 1-9, 12-29, 31-47, and 64 are, thus, respectfully requested.

Conclusion

For at least the reasons discussed above, Applicants respectfully submit that the cited reference fails to disclose or suggest all of the features of the claimed invention. These distinctions are more than sufficient to render the claimed invention unanticipated. It is thus respectfully requested that all of claims 1-9, 12-29, 31-47, and 64 be allowed, and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, Applicants' undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



Loren H. Tung
Registration No. 64,236

Customer No. 32294
SQUIRE, SANDERS & DEMPSEY LLP
14TH Floor
8000 Towers Crescent Drive
Vienna, Virginia 22182-6212
Telephone: 703-720-7800
Fax: 703-720-7802

LHT:skl